UNITED STATES PATENT AND TRADEMARK OFFICE

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GREENBERG TRAURIG, LLP		ALAM, MUSHFIKH I
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ex parte PAUL D. ARLING, CHRISTOPHER CHAMBERS,
WAYNE SCOTT, and MARK MOMOT

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Appeal 2017-000942
Application 13/043,848[1]
Technology Center 2400

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Before MARC S. HOFF, LINZY T. McCARTNEY, and
SCOTT B. HOWARD, *Administrative Patent Judges.*

HOFF, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from a final rejection of
claims 1–12. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Appellants' invention is a system and method for saving and recalling
state data for media and home appliances. A user initiates a save state
command for a particular media rendering system from which a media
element (e.g., movie, music, etc.) is being played. Both the playback state of
the media and the rendering system's device states during playback will be

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[1] Appellants state the real party in interest is Universal Electronics, Inc.

saved, in one or more central servers and/or in a portable controlling device. Data so saved may be recalled at a later time to operate the devices and media of the same entertainment center, or it may be recalled and converted for use in conjunction with a different media rendering system having analogous or complementary functionality. Spec. 2–3.

Claim 1 is exemplary of the claims on appeal:

1. A method for saving state data with a control event in a media control system located in an environment, the method comprising:

storing in a memory of the hand-held, portable controlling device in association with an activable input element of the hand-held, portable controlling device which is assigned a sequence of commands data related to at least one of a state of an appliance and a state of an environment in which the appliance is located; and

in response to an activation of the activable input element of the hand-held, portable controlling device at a time subsequent to the data related to at least one of a state of an appliance and a state of an environment in which the appliance is located being stored in the memory causing the hand-held, portable controlling device to transmit the sequence of commands assigned to the activable input element and at least one further command wherein the

at least one further command transmitted by the hand-held, portable controlling device is determined as a function of the data related to at least one of a state of an appliance and a state of an environment in which the appliance is located as stored in the memory of the hand-held, portable controlling device in association with the activable input element of the hand-held, portable controlling device.

The Examiner relies upon the following prior art in rejecting the claims on appeal:

Thomas et al.	US 2002/0059621 A1	May 16, 2002 ("Thomas")
Sumida et al.	US 2002/0124584 A1	Sept. 12, 2002 ("Sumida")
Krzyzanowski et al.	US 2004/0003073 A1	Jan. 1, 2004 ("Krzyzanowski")
Zigmond et al.	US 2005/0035846 A1	Feb. 17, 2005 ("Zigmond")

Claims 1–3 and 7–9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zigmond and Krzyzanowski.

Claims 4 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zigmond, Krzyzanowski, and Sumida.

Claims 5, 6, 11, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zigmond, Krzyzanowski, and Thomas.

Throughout this decision, we make reference to the Appeal Brief ("App. Br.," filed Feb. 25, 2016), the Reply Brief ("Reply Br.," filed Oct. 11, 2016), and the Examiner's Answer ("Ans.," mailed Aug. 12, 2016) for their respective details.

ISSUES

Appellants' arguments present us with the following issues:

1. Does the Examiner explain how or why Krzyzanowski suggests modifying Zigmond to arrive at the claimed invention, specifically a remote control transmitting both a command sequence previously assigned to an activable key and at least one further command that is determined based

upon state information associated with an appliance and/or a location in which the appliance resides?

2. Does the Examiner provide evidence that the combination of Zigmond and Krzyzanowski teaches using state data to program an "unpause" key of a remote control with one or more commands, whereupon a subsequent activation of the unpause button of the remote control will cause said remote control to transmit commands that were previously assigned to the unpause button, as well as the programmed unpause command?

ANALYSIS

CLAIMS 1–3 AND 7–9

Appellants' remarks are directed exclusively to independent claims 1 and 7, discussed together. We therefore select independent claim 1 as representative of claims 1–3 and 7–9.

Appellants allege that the Examiner does not explain how or why Krzyzanowski suggests modifying Zigmond to arrive at the claimed invention, specifically a remote control transmitting both a command sequence previously assigned to an activable key and at least one further command that is determined based upon state information associated with an appliance and/or a location in which the appliance resides. App. Br. 6. We find Appellants' argument to be unpersuasive. The Examiner explains in the Answer that modifying Zigmond's system, which provides the ability to resume playback of video content in a different room with different equipment, in view of the teachings of Krzyzanowski, which provides the ability to program a macro that includes parameters to control a large

number of environmental parameters, "would suggest a remote controller to capture/store the multimedia information at the moment, and program the remote controller with a macro command if needed, for example [to] control the lighting system or other systems." Ans. 4; *see* Krzyzanowski ¶¶ 154– 175.

Appellants contend that the Examiner failed to adduce evidence that the combination of Zigmond and Krzyzanowski teaches using state data to program an "unpause" key of a remote control with one or more commands, whereupon a subsequent activation of the unpause button of the remote control will cause said remote control to transmit commands that were previously assigned to the unpause button, as well as the programmed unpause command. *See* App. Br. 6. We are unpersuaded by Appellants' position and we agree with the Examiner that Zigmond's "unpause" command, sent to devices in room #2, causes those devices to match the settings in room #1. "[I]mplementing the remote controller of Zigmond with the macro command from Krzyzanowski" would yield "the result of programming the remote controller with a macro command when user 'pause' the multimedia which will record the current multimedia position and light setting of the room. When the user unpause the multimedia, [the multimedia playback would resume] at the point it was paused and the light setting of the room." Ans. 5–6.

Appellants argue that Krzyzanowski may generally suggest providing to Zigmond the ability to save a macro when the user pauses content, but that the Examiner fails to explain how or why Krzyzanowski can be said to suggest modifying Zigmond such that the remote control of Zigmond will respond to the "unpause" key by transmitting anything other than the

unpause command which was programmed to the unpause key when the user paused the content. App. Br. 7. This argument is also unpersuasive. As stated *supra*, we agree with the Examiner's finding that modifying Zigmond in view of Krzyzanowski would have suggested the ability to control more criteria than simply the unpausing of multimedia playback.

Last, we do not agree with Appellants that it is unclear how a macro key in Zigmond that allows the user to set up control of multiple devices via macro suggests modifying the unpause command of Zigmond to arrive at the claimed invention. App. Br. 7. As analyzed *supra*, we agree with the Examiner that incorporating the teachings of Krzyzanowski suggests the benefit of "allowing [the] user to control multiple devices via macro, for example, in user defined order, the number of devices, the combination of devices, etc.," and would provide a macro capability that is not limited to sequences of commands present in the universal remote control's code library. *See* Ans. 7.

We find that the Examiner did not err in rejecting claims 1–3 and 7–9 over the combination of Zigmond and Krzyzanowski. We sustain the Examiner's § 103 rejection.

CLAIMS 4–6 AND 10–12

Appellants present no separate argument with respect to these claims. We therefore sustain the Examiner's § 103(a) rejection of claims 4 and 10 over Zigmond, Krzyzanowski, and Sumida for the reasons given *supra* with respect to independent claims 1 and 7. We therefore also sustain the Examiner's § 103 rejection of claims 5, 6, 11, and 12 over Zigmond, Krzyzanowski, and Thomas for the reasons given *supra* with respect to independent claims 1 and 7.

CONCLUSIONS

1. The Examiner explains how or why Krzyzanowski suggests modifying Zigmond to arrive at the claimed invention, specifically a remote control transmitting both a command sequence previously assigned to an activable key and at least one further command that is determined based upon state information associated with an appliance and/or a location in which the appliance resides.

2. The Examiner provides evidence that the combination of Zigmond and Krzyzanowski teaches using state data to program an "unpause" key of a remote control with one or more commands, whereupon a subsequent activation of the unpause button of the remote control will cause said remote control to transmit commands that were previously assigned to the unpause button, as well as the programmed unpause command.

ORDER

The Examiner's decision to reject claims 1–12 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED